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Chairman
4th District, Oklahoma

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

H.R. 1401—National Defense Authorization Act



H.R. 1401—National Defense Authorization Act

Floor Situation: The House will continue considering H.R. 1401 as its first order of business today. Yesterday, the House completed one hour of general debate and began considering amendments under a structured rule. The rule provides an additional hour of general debate regarding U.S. military operations in Yugoslavia, to take place before the House considers the last five Part A amendments. The rule makes a committee substitute amendment in order as base text and waives all points of order against the substitute.

The rule also made in order a total of 47 amendments, each debatable in the order listed and for the amount of time specified below (the chairman of the Committee of the Whole, however, may recognize amendments out of order beginning one hour after the Armed Services chairman requests to do so). Of these, 33 amendments remain to be considered. Unless otherwise specified, each amendment is debatable for 10 minutes. The chairman of the Armed Services Committee may offer *en bloc* any of the amendments listed in Part B; such an amendment will be debatable for 20 minutes. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. The rule provides one motion to recommit, with or without instructions.

Finally, after passage of H.R. 1401, the rule makes in order a motion to take up the Senate version of the Defense Authorization (S. 1059), strike all after the enacting clause, and substitute the provisions of the House version of the bill.

Summary: H.R. 1401 authorizes \$288.8 billion in new budget authority for the country's defense activities in FY 2000, \$8.3 billion more than the president's request and approximately \$18.4 billion more than last year's defense authorization. However, the emergency supplemental included an additional \$1.8

billion for increases in military pay and pensions for FY 2000, for a total increase over the president's budget of \$10.1 billion.

Overall, the bill authorizes (1) \$74 billion (\$231 million more than the president's request) for military personnel; (2) \$106.5 billion (\$2.8 billion more than the president's request) for operations and maintenance and working capital funds; (3) \$55.6 billion (\$2.6 million more than the president's request) for weapons procurement; (4) \$35.8 billion (\$1.5 million more than the president's request) for research and development; (5) \$8.6 billion (\$3.1 billion more than the president's request) for military construction and family housing; (6) and \$12.3 billion (\$76 million less than the president's request) for the defense-related programs of the Department of Energy. Among major programs, the bill authorizes:

- * a 4.8 percent military pay raise (0.4 percent more than the president's request), pay table reform, and increased retirement benefits;
- * \$112.8 million (\$26.7 million and three helicopters more than the president's request) for a total of 11 UH-60 Blackhawk helicopters;
- * \$2.9 billion to procure 36 Super Hornets and a five-year, \$15.2 billion multi-year procurement contract for 222 Super Hornets (equal to the president's request);
- * \$987.4 million for 11 V-22 tiltrotor aircraft (\$60 million and one aircraft more than the president's request);
- * \$3.4 billion (equal to the president's request) to procure 15 C-17 aircraft and \$304.9 million for advance procurement of 15 C-17 aircraft for FY 2001;
- * \$1.2 billion (equal to the president's request) for research and development of the F-22 Raptor, \$1.6 billion to produce six test vehicles, and \$277.1 million for advance procurement of 10 initial production aircraft in FY 2001;
- * \$1.5 billion (matching the president's request) for procurement of the third and fourth *San Antonio* class amphibious ships;
- * \$753.5 million (\$5 million more than the president's request) to procure the third New Attack Submarine (NSSN);
- * \$3.7 billion (\$417 million more than the president's request) for the Ballistic Missile Defense Organization, as well as \$851.6 million (\$15 million more than the president's request) for National Missile Defense (NMD) and \$507 million (\$105 million less than the president's request) for the Theater High Altitude Air Defense (THAAD) program;
- * \$812 million (\$24 million more than the president's request) for drug interdiction and counter-drug activities;
- * \$1.4 billion (\$1.1 billion more than the president's request) for construction and improvement of military family housing units; and

- * \$31.2 million (\$12.6 million more than the president's request) for DOE counterintelligence efforts.

The bill also:

- * prohibits the use of funds authorized by the bill for operations in the Federal Republic of Yugoslavia and directs the administration to submit a supplemental budget request in the event that military operations continue into FY 2000;
- * permits the use of appropriated funds to support abortions for military beneficiaries whose pregnancy is the result of an act of forcible rape or incest which has been reported to a law enforcement agency. Current law restricts abortions at military facilities at government expense to cases where the woman's life is in danger;
- * establishes a clear policy for the conduct of military-to-military contacts between the U.S. military and the Chinese People's Liberation Army to ensure that U.S. operational and technical advantages are properly protected;
- * establishes the Center for the Study of Chinese Military Affairs at the National Defense University; and
- * requires the Energy Secretary to notify the House and Senate Armed Services Committees whenever he obtains information on the unauthorized transfer of classified information to a foreign power if the compromised information involves defense operations, systems, technologies, or nuclear energy defense programs.

Views: The Republican Leadership supports passage of this measure. An official Clinton Administration viewpoint was unavailable at press time.

Amendments: At the close of business yesterday, 33 amendments remained to be considered, each debatable for the amount of time and in the order listed below.

— *Part A Amendments* —

The following amendments are debatable for the amount of time specified and in the order listed below. As stated above, the rule provides an additional hour of general debate before consideration of the final five amendments in this section, regarding U.S. military operations in Yugoslavia.

Mr. Buyer and Mr. Abercrombie will offer an amendment, debatable for 20 minutes, to authorize members of the uniformed services to participate in the Thrift Savings Plan now available to federal civil service employees. Service members will be eligible to deposit up to five percent of their basic pay, before taxes, each month. The amendment does not authorize government automatic or matching contributions; however, service members may directly deposit special and incentive pay into their TSP accounts up to the maximum amounts specified in the tax code. **Contact: Kimo Hollingsworth (Buyer), x5-5037**

Mr. Traficant will offer an amendment to allow the Secretary of Defense, with the permission of the Secretary of the Treasury and the Attorney General, to assign military personnel to assist the border patrol and customs service in drug interdiction and counter-terrorism activities along U.S. borders. *Staff Contact: Dan Blain, x5-5261*

Mr. Taylor (MS) may offer an amendment, debatable for 30 minutes, to state congressional findings that it is the responsibility of Congress under Article I, Section 8 of the Constitution to provide for the common defense, declare war, raise and support armies, provide and maintain a navy, and make rules for the government and regulation of land and naval forces. Additionally, the amendment acknowledges that a conflict involving the United States Forces exists in Yugoslavia. Finally, the amendment articulates NATO goals regarding the conflict with Yugoslavia. *Staff Contact: Stephen Peranich, x5-5772*

Mr. Souder will offer an amendment, debatable for 30 minutes, to prohibit any of DOD's FY 2000 funds from being used to conduct military operations in Yugoslavia. The amendment effectively removes a provision in the bill that allows the president to request supplemental funding for operations in Yugoslavia in FY 2000 if he determines that they are necessary. *Staff Contact: Randy Brandt, x5-4436*

Mr. Skelton will offer an amendment to strike bill language that prohibits the use of funds authorized in the bill for the conduct of combat or peacekeeping operations in Yugoslavia. *Staff Contact: Jack Pollard, x5-2876*

Mrs. Fowler will offer an amendment, debatable for 30 minutes, to prohibit the use of any DOD funds to deploy of U.S. ground troops to Yugoslavia unless Congress specifically authorizes such a deployment. The prohibition does not apply to the initiation of missions specifically limited to rescuing U.S. military personnel or U.S. citizens in Yugoslavia, or rescuing military personnel of another NATO country. *Staff Contact: Bill Klein, x5-2501*

Messrs. Shays, Frank, Rohrabacher, Condit, Bilbray, Foley, and Upton will offer an amendment, debatable for 30 minutes, to reduce the number of U.S. troops in Europe from 100,000 to 25,000 over three fiscal years. The number of troops assigned to permanent duty in European member nations of NATO may not exceed (1) 85,000 at the end of FY 2000; (2) 55,000 at the end of FY 2001; and (3) 25,000 at the end of FY 2002. The amendment retains existing provisions of law that exclude from end strength counts troops assigned to permanent duty in Iceland, Greenland, and the Azores, as well as troops performing duties in Europe for more than 179 days under military-to-military contact programs. The reductions do not apply in the event of a declaration of war or an armed attack on any NATO member nation, or if the president declares an emergency. *Staff Contact: Len Wolfson, x5-5541*

— *Part B Amendments* —

The following 26 amendments are debatable for 10 minutes each, equally divided between a proponent and an opponent. The rule allows the chairman of the Armed Services Committee to combine any of these amendments and offer them as an *en bloc* amendment; such an amendment is debatable for 20 minutes.

Mr. Gallegly will offer an amendment to authorize up to \$16 million for the Air Force to procure modular fire-fighting equipment. The FY 1999 Defense Authorization already provided \$6 million for this purpose, contingent on it being authorized. *Staff Contact: Vince Morelli, x5-5811*

Mr. Spence will offer an amendment to require the Navy to procure and install the necessary equipment for naval vessels, shore facilities, and aircraft—before completing operational test and evaluation—to field a cooperative engagement capability in a Navy battle group by fiscal year 2003. The amendment authorizes an additional \$22 million for this purpose, offset with an equal reduction from other programs. *Staff Contact: Robert Rangel, x5-4224*

Mr. Hall (OH) will offer an amendment to express the sense of Congress that the Secretary of Defense failed to comply with the goal in last year's Defense Authorization Act to boost defense science and technology funding by two percent annually. The amendment reiterates last year's goal and requires the president to report to Congress if next year's budget request for defense science and technology funding fails to meet the goal. *Staff Contact: Bob Zachritz, x5-6465*

Mr. Reynolds will offer an amendment to authorize the secretary of the Army to replace non-secure tactical radios used by the 82nd Airborne division. *Staff Contact: Dan Doyle, x5-5265*

Mr. Evans will offer an amendment to waive statutory time limitations and authorize the president to award the Medal of Honor to Alfred Rascon for valor as an Army medic during the Vietnam conflict. *Staff Contact: Tom O'Donnell, x5-5905*

Mr. Sweeney will offer an amendment to require the secretary of a military service to provide material, equipment, and training to support non-governmental organizations as necessary to support honor guard activities for veteran burial ceremonies. The bill currently grants the secretary of Defense the discretion to provide such support for honor guard activities, but does not mandate it. *Staff Contact: Steve Stallmer, x5-5614*

Mr. Buyer and Mr. Abercrombie will offer an amendment to authorize disability separation or retirement qualification to any member with at least eight years of active service who becomes disabled due to a pre-existing medical condition. It allows reserve component members who have at least 15 but less than 20 years of service to qualify for retirement when the member is disqualified for military service due to a medical condition that was not incurred or aggravated in the line of duty. *Staff Contact: Kimo Hollingsworth, x5-5037*

Mr. Gilman will offer an amendment to require the secretary of Defense to report to Congress on the security situation on the Korean peninsula, including a net assessment of the war-fighting capabilities of North Korean, South Korean, and U.S. armed forces. The amendment also requires the secretary to report on North Korea's weapons of mass destruction and ballistic missile programs. *Staff Contact: Walker Roberts, x5-5021*

Mr. Thune and Mr. Stenholm will offer an amendment to make several changes to TRICARE (the military health care system). Specifically, the amendment: (1) authorizes contractors to provide financial incentives to promote electronic processing; (2) requires the Defense Secretary to complete a study on TRICARE reimbursement rates; (3) requires the secretary to submit a proposal to adjust those rates if the study finds that more than 20 percent of the rates are less than the 50th percentile of the usual and customary rate; (4) requires DOD to implement the TRICARE Prime Remote concurrently for Geographically Separated Units and their dependents; (5) eliminates the requirement for non-availability statements or pre-authorization for procedures under TRICARE Standard, the military fee-for-service plan; (6) eliminates the pre-authorization for in-network preventative obstetric and gynecological care, mammograms for women over 35, and preventative urological care; (7) requires the primary care manager of the beneficiary to be

notified of the care; and (8) authorizes the payment of certain travel expenses for beneficiaries who are referred by the network provider or the military treatment facility to another provider or facility more than 100 miles away. *Staff Contact: John Weaver, x5-2801*

Mr. Traficant will offer an amendment to (1) require that any funds authorized under the bill are spent in compliance with the Buy American Act; (2) state the sense of Congress that, whenever feasible, funds spent under the bill should be used to purchase American-made goods; and (3) require the Defense secretary to determine whether contractors who have fraudulently affixed Made in America labels to goods not made in America should be barred from contracting with DOD. *Staff Contact: Dan Blain, x5-5261*

Mr. Bereuter will offer an amendment to make permanent the waiver contained in the FY 1999 Defense Authorization Act that permits the Asia Pacific Center for Security Studies, a component of Pacific Command, to waive reimbursement for certain costs of conducting business. The amendment also permits the center to accept foreign gifts and donations under certain conditions. *Staff Contact: Lora Becker & Mike Ennis, x6-7825*

Mr. Bereuter will offer an amendment to direct the DOD to evaluate and report to Congress its capabilities to prosecute to successful conclusion a major contingency in the Asia-Pacific region (e.g., Korea) and two nearly simultaneous major theater wars (e.g., in Korea and Iraq), given that U.S. military operations in the Balkans will continue to stretch some critical U.S. defense capabilities. *Staff Contact: Lora Becker & Mike Ennis, x6-7825*

Messrs. Castle, Roemer, and Bishop will offer an amendment to require the secretary of Defense to report to Congress and the president on the causes of the recent series of space launch failures, as well as the steps that are being taken to minimize or prevent these failures in the future. *Staff Contact: Booth Jameson, x5-4165*

Mrs. Fowler will offer an amendment to require the secretary of Defense to submit to Congress a comprehensive report, in both classified and unclassified form, describing the airlift requirements necessary to execute the full range of missions called for under the National Military Strategy regarding force engagement anticipated through the year 2015. The member argues that such a report is necessary in light of recently demonstrated airlift deficiencies. *Staff Contact: Bill Klein, x5-2501*

Mr. Gilchrest will offer an amendment to clarify what constitutes an appropriate use of the proceeds from the outlease of the U.S. Naval Academy dairy farm. Specifically, the amendment allows the academy to retain proceeds from leasing the dairy farm property to administer the property and for use in the non-appropriated fund accounts to subsidize farm operations. *Staff Contact: Darryl Chew, x5-5311*

Mr. Goodling and Mr. Traficant will offer an amendment to require the DOD Inspector General to investigate whether recent purchases of free weight strength training equipment by DOD comply with the Buy American Act. *Staff Contact: Jon Kenney, x5-5836*

Mr. Skelton will offer an amendment to amend current law regarding the implementation of the DOD's Domestic Preparedness Program for emergency procedures in the event of a terrorist attack by a weapon of mass destruction. The amendment requires federal, state, and local agencies to establish a threat and risk assessment process when implementing the program. The amendment also requires the Attorney

General to establish a pilot program to determine the most suitable and efficient investment strategy for federal assistance to cities participating in the program in an effort to match investments with an overall threat or vulnerability analysis. *Staff Contact: Jack Pollard, x5-2876*

Mr. Hobson and Mr. Hall (OH) will offer an amendment to create a one-year pilot program to provide DOD expanded authority to offer voluntary early retirement and retirement incentives to DOD civilian employees in order to address a growing disparity in its workforce. *Staff Contact: Chris Peace, x5-4324*

Mr. Ortiz will offer an amendment to extend from September 1999 until September 2003 the Defense Department's authority to pay the government's share of health insurance for up to 18 months for civilian employees who have been involuntarily separated from federal service. *Staff Contact: Vickie Plunkett, x5-7742*

Mr. Ney will offer an amendment to require the secretary of Defense to prepare an annual report, both classified and unclassified, on the military power of the People's Republic of China as well as its strategic and military goals. *Staff Contact: Neil Volz, x5-6265*

Mr. Boehlert will offer an amendment to authorize a \$12.8 million military construction project at the Air Force Research Laboratory's Rome Research Site in Rome, New York, for the purpose of consolidating research and technology development activities conducted at the site. The amendment requires that the Air Force submit a plan to Congress for completing multi-phase efforts to consolidate research and technology development activities conducted at the Rome Research Site. *Staff Contact: Sara Gray, x5-3665*

Mr. Ose will offer an amendment to allow the Air Force to convey a nuclear radiation center to the University of California at Davis for research purposes and authorize the secretary of the Air Force to pay \$17.6 million to UC Davis to cover decommissioning costs. *Staff Contact: Dan Skopec, x5-5716*

Mr. Scarborough will offer an amendment to increase to 26 percent the payment of 15 percent of basic pay for each person encouraged to retire early to compensate for additional costs associated with early retirement. *Staff Contact: Justin Roth, x5-4136*

Mr. McIntyre will offer an amendment to establish a procedure within DOE to allow a private business involved in an intellectual property dispute related to a technology transfer to request and receive binding alternative dispute resolution, mediation, or other methods by which the dispute can be resolved quickly and less expensively for all parties. Specifically, the amendment requires: (1) DOE to harmonize all technology transfer policies with respect to patenting, licensing, and commercialization at its nuclear weapons labs; (2) DOE to detail technology transfer successes and disputes, and the progress made toward resolving them, as part of the nuclear weapons labs' annual performance reviews; and (3) lab technology transfer personnel at the nuclear weapons labs to receive adequate training to ensure that they are able to perform their duties to the highest possible professional and ethical standards. *Staff Contact: Shaw Scott, x5-2731*

Mrs. Wilson will offer an amendment to amend reporting requirements in the bill regarding DOE's responsibility to report incidents where classified information from nuclear energy defense programs has been compromised. The amendment adds House and Senate Select Committees on Intelligence to those committees that must be notified. Currently, the bill requires that DOE report to only the House and Senate Armed Services committees. *Staff Contact: Luke Rose, x5-6316*

Mr. Weldon (FL) will offer an amendment to authorize an additional \$7.3 million for the national launch ranges to ensure that the ranges can accommodate additional government, civilian, and commercial launches. Finally, the amendment authorizes \$1 million for the National Range Development Center at Cape Canaveral to make launch ranges more efficient. **Contact: Stuart Burns, x5-3671**

Additional Information: See *Legislative Digest*, Vol. XXVIII, #15, Pt. III, May 26, 1999.



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